BEFORE THE MINNESOTA
BOARD OF VETERINARY MEDICINE

In the Matter of
Philip Thoreson, D.V.M.
License No. 9608

STIPULATION AND ORDER

Philip Thoreson, D.V.M., ("Licensee"), and the Minnesota Board of Veterinary Medicine Complaint Review Committee ("Committee") agree that the above-referenced matter may be resolved without trial of any issue or fact as follows:

I.
JURISDICTION

1. The Minnesota Board of Veterinary Medicine ("Board") is authorized pursuant to Minnesota Statutes chapter 156 to license and regulate veterinarians and to take disciplinary action as appropriate.

2. Licensee holds a license from the Board to practice veterinary medicine in the State of Minnesota and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Order.

II.
COMPLAINT REVIEW COMMITTEE

3. The Board’s Complaint Review Committee ("Committee") was composed of Board members Mary Olson, D.V.M., professional member, and Jody Grote, public member. On July 10, 2019, Licensee met with the Committee to discuss the allegations in the Notice of Conference dated May 10, 2019. Licensee appeared without an attorney. Tiffany
Sedillos, Assistant Attorney General, represented the Committee. Julia Wilson, Executive Director of the Board, was also present.

III.

FACTS

4. The parties agree this Stipulation and Order is based upon the following facts:

A. On May 14, 2008, Licensee was licensed to practice veterinary medicine in Minnesota.

B. Licensee is the sole owner of a veterinary clinic ("Clinic") with offices in Chaska and Richfield, Minnesota.

C. Licensee held the Drug Enforcement Administration (DEA) registration for the Clinic which authorized Licensee to order, store and dispense controlled substances during the time period of July 1, 2017 through May 1, 2019.

D. On November 9, 2018, Licensee was presented with a subpoena issued by the Board which ordered him to produce all controlled substances logs and all records relating to the purchase of controlled substances for the time period of July 1, 2017 to November 9, 2018.

E. The records revealed discrepancies in the amounts of tramadol ordered and dispensed suggestive of diversion for nonpatient use.

F. On May 1, 2019, Licensee admitted to diverting controlled substances for personal use and surrendered his Drug Enforcement Administration (DEA) registration to DEA investigators performing an audit.

G. On June 3, 2019, Licensee signed a participation agreement with the Minnesota Health Professionals Services Program (HPSP).
H. On July 10, 2019, Licensee met with the Committee. Licensee stated that he began taking tramadol for back pain in 2010. Licensee believes he became addicted to tramadol in 2013. Licensee admitted that he started taking ketamine in an attempt to wean himself off of tramadol. Licensee has completed inpatient chemical dependency treatment and is participating in outpatient treatment. Licensee represented to the Committee that his sobriety date is May 10, 2019.

IV.

LAWS

5. Licensee acknowledges that the facts and conduct described in section III above constitute violations of Minnesota Statutes sections 156.081, subdivisions 2 (3), (6), and (12); Minnesota Rules 9100.0700, subpart 1(B), (C), and (K) and are sufficient grounds for the remedy set forth below.

V.

DISCIPLINARY ACTION

The parties agree the Board may take the following disciplinary action and require compliance with the following terms:

6. The Board hereby SUSPENDS Licensee’s license to practice veterinary medicine indefinitely. The suspension is STAYED so long as Licensee complies with the following CONDITIONS:

A. Within seven (7) days from the effective date of this Order, Licensee shall provide the HPSP with a copy of this Stipulation and Order after it is adopted by the Board and sign an amended Participation Agreement, if required. Licensee shall comply with all provisions of his HPSP Participation Agreement and successfully complete all terms of his HPSP
Participation Agreement. Licensee's failure to comply with his HPSP Participation Agreement shall be considered a violation of this Stipulation and Order.

B. At all times while this Order is in effect, Licensee must completely abstain from all controlled or abusable mood-altering substances, including alcohol, unless expressly prescribed in writing by a physician, dentist, or other authorized health care professional who is providing care and treatment to Licensee. Licensee must report any unauthorized use of mood-altering substances or relapse with mood-altering substances, including alcohol, to the HPSP as soon as possible but in no event longer than 24 hours from the initial unauthorized use. If a physician, dentist, or other authorized health care professional prescribes controlled or abusable substances to Licensee, or when Licensee refills or is administered controlled or abusable substances, Licensee must inform the HPSP by telephone of the prescription and the condition being treated within 24 hours, and he must ensure the HPSP receives written verification of the prescription and the condition being treated within three days. Exposure, use or ingestion of substances known to interfere with the toxicology screening process, including but not limited to certain foods, beverages, over-the-counter medications, and other products that contain poppy seeds, hemp seeds, and ethyl alcohol, is not a defense to a positive toxicology screen. Examples include but are not limited to, nonalcoholic beer or wine; some desserts, salad dressings, soups and herbal remedies; and hand sanitizing and mouthwash products.

C. Licensee must refrain from administering, handling or having any responsibility for controlled or mood-altering substances within a veterinary practice for a minimum of four years and until Licensee has been successfully discharged from HPSP.

D. Licensee must notify each present and future veterinarian supervisor, and all employees (including all veterinarians and veterinary technicians) who have contact with controlled or mood-altering substances within the practice, of this Order, within ten (10) days of
the date of the order or commencing employment. Licensee must provide the supervisor and/or employees with a copy of the entire signed Order.

E. Licensee shall cause his work site monitors as provided for in his HPSP Participation Agreement or another supervising veterinarian with Board approval, to provide quarterly reports to the Board attesting to Licensee’s compliance with the prohibition from administering, handling or having any responsibility for controlled or mood-altering substances for a minimum of four years and until Licensee has been successfully discharged from the HPSP program.

7. Upon satisfactory completion of the requirements set forth in paragraph 6, Licensee may petition the Board for an unconditional license. Licensee may be required to meet with the Committee at the Committee’s discretion, to discuss his petition. Licensee’s petition may be granted, if at all, as the evidence dictates and based upon the need to protect the public. The burden of proof will be upon Licensee to demonstrate by a preponderance of the evidence that he is capable of conducting himself in a fit and competent manner in the practice of veterinary medicine. The Board will have discretion to decide whether to grant Licensee’s petition for an unconditional license; continue the conditions imposed upon Licensee’s license by this Stipulation and Consent Order; or impose additional conditions and limitations upon Licensee’s license.

VI.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

8. In addition to the requirements of this Stipulation, Licensee shall comply with the laws or rules of the Board. Licensee agrees that failure to comply with the Board’s laws or rules shall be a violation of this Stipulation and Order. It is Licensee’s responsibility to ensure all documentation required to be filed with the Board pursuant to this Stipulation and Order are
timely filed by those preparing the report, evaluation, or documentation. Failure to file
documentation on or before the due date is a violation of this Stipulation and Order.

**Noncompliance With Requirements for Stayed Suspension**

9. If the Committee has probable cause to believe Licensee has failed to comply
with or has violated any of the requirements for staying the suspension as outlined in paragraph 6
above, the Committee may remove the stay of the suspension pursuant to the procedures outlined
in paragraph 10 below, with the following additions and exceptions:

   a. The removal of the stayed suspension shall take effect upon service of an
      Order of Removal of Stayed Suspension (“Order of Removal”). Licensee agrees that the
      Committee is authorized to issue an Order of Removal, which shall remain in effect and shall
      have the full force and effect of an order of the Board until the Board makes a final
determination pursuant to the procedures outlined in paragraph 10 below or until the complaint is
dismissed and the order is rescinded by the Committee. The Order of Removal shall confirm the
Committee has probable cause to believe Licensee has failed to comply with or has violated one
or more of the requirements for staying the suspension of Licensee’s license. Licensee further
agrees an Order of Removal issued pursuant to this paragraph shall be deemed a public
document under the Minnesota Government Data Practices Act. Licensee waives any right to a
conference or hearing before removal of the stayed suspension.

   b. The Committee shall schedule the hearing pursuant to paragraph 10 below
to be held within 60 days of service of the Order of Removal.

**Noncompliance or Violation with Stipulation and Order**

10. If Licensee fails to comply with or violates this Stipulation and Order or it is
determined Licensee has further violated Minnesota Statutes chapter 156 or Minnesota Rules
chapter 9100, the Committee may, in its discretion, seek additional discipline either by initiating
a contested case proceeding pursuant to Minnesota Statutes chapter 14 or by bringing the matter
directly to the Board pursuant to the following procedure:

a. The Committee shall schedule a hearing before the Board. At least ten
days prior to the hearing, the Committee shall mail Licensee a notice of the violation(s) alleged
by the Committee. In addition, the notice shall designate the time and place of the hearing.
Within seven days after the notice is mailed, Licensee shall submit a written response to the
allegations. If Licensee does not submit a timely response to the Board, the allegations may be
deemed admitted.

b. The Committee, in its discretion, may schedule a conference with the
Licensee prior to the hearing before the Board to discuss the allegations and to attempt to
resolve the allegations through the procedures of Minnesota Statutes Section 214.103,
subdivision 6.

c. Prior to the hearing before the Board, the Committee and Licensee may
submit affidavits and written argument in support of their positions. At the hearing, the
Committee and Licensee may present oral argument. Argument shall not refer to matters
outside the record. The evidentiary record shall be limited to the affidavits submitted prior to
the hearing and this Stipulation and Order. The Committee shall have the burden of proving by
a preponderance of the evidence that a violation has occurred. If Licensee has failed to submit a
timely response to the allegations, Licensee may not contest the allegations, but may present
argument concerning the appropriateness of additional discipline. Licensee waives a hearing
before an administrative law judge, discovery, cross-examination of adverse witnesses, and other
procedures governing hearings pursuant to Minnesota Statutes chapter 14.

d. Licensee’s correction of a violation prior to the conference, hearing or
meeting of the Board may be taken into account by the Board but shall not limit the Board’s
authority to impose discipline for the violation. A decision by the Committee not to seek discipline when it first learns of a violation will not waive the Committee's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while this order is in effect.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board will dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including additional conditions or limitations on Licensee's practice, suspension, or revocation of Licensee's license.

f. Nothing herein shall limit the Committee's or the Board's right to temporarily suspend Licensee's license pursuant to Minnesota Statutes section 156.126 based on a violation of this Stipulation and Order or based on conduct of Licensee not specifically referred to herein. Similarly, nothing herein shall limit the Committee's right to attempt to resolve an alleged violation of this Stipulation and Order through the procedures of Minnesota Statutes section 214.103, subdivision 6, or to initiate a contested case proceeding under Minnesota Statutes chapter 14 based on an alleged violation of this Stipulation and Order.

VII.

ADDITIONAL INFORMATION

11. Licensee knowingly and voluntarily waives a contested case hearing and all other procedures before the Board to which Licensee may be entitled under the Minnesota and United States constitutions, statutes, or rules.

12. Licensee knowingly and voluntarily waives any and all claims against the Board, the Minnesota Attorney General, the State of Minnesota, and their agents, employees and
representatives related to the investigation of the conduct herein, or the negotiation or execution of this Stipulation and Order, which may otherwise be available to Licensee.

13. This Stipulation and Order, the files, records and proceedings associated with this matter shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.

14. Licensee shall be responsible for all costs incurred in order to comply with this Stipulation and Order.

15. Licensee has read, understands, and agrees to this Stipulation and Order and has voluntarily signed the Stipulation and Order. Licensee is aware that this Stipulation and Order must be approved by the Board before it goes into effect. The Board may either approve the Stipulation and Order as proposed, approve it subject to specified changes, or reject it. If the changes are acceptable to Licensee, the Stipulation and Order will take effect and the Order as modified will be issued. If the changes are unacceptable to Licensee or if the Board rejects the Stipulation and Order, it will be of no effect except as specified below.

16. Licensee agrees that if the Board rejects this Stipulation and Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Order or of any records relating to it.

17. This Stipulation and Order does not limit the Board’s authority to proceed against Licensee by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or omission of Licensee which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth in this document.
VIII.

DATA PRACTICES NOTICES

18. This Stipulation and Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. Data regarding this action will be provided to data banks as required by Federal law or consistent with Board policy. While this Stipulation and Order is in effect, information obtained by the Board pursuant to this Order is considered active investigative data on a licensed health professional, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4.

19. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

PHILIP THORESON, DVM
Licensee
Dated: 8/10/19

JODY GROTE
Committee Public Member
Dated: 9/11/19

COMMITTEE:
ORDER

Upon consideration of the Stipulation, the Board hereby SUSPENDS Licensee’s license to practice veterinary medicine. The Board STAYS the suspension upon Licensee’s compliance with the requirements outlined in the Stipulation and adopts all of the terms described above on this 11th day of September, 2019.

MINNESOTA BOARD
OF VETERINARY MEDICINE

JULIA H. WILSON, DVM.
Executive Director